

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK xx
DONALD A. VANDERVEER, Plaintiff

#19-CV-3833 (FB) (CLP)

PATRICIA WEISS, ESQ.'S
DECLARATION IN
OPPOSITION TO
DEFENDANTS'
FED. R. CIV. P. 12 MOTION

ZONING BOARD OF APPEALS TOWN OF EAST HAMPTON, ZBA Chairperson JOHN P. WHELAN, ZBA Vice Chairperson SAMUEL KRAMER, Members of The Town of East Hampton Zoning Board of Appeals ROY DALENE, THERESA BERGER and TIM BRENNEMAN, Town of East Hampton Principal Building Inspector ANN M. GLENNON, Assistant East Hampton Town Attorney ELIZABETH L. BALDWIN, ESQ., and TOWN OF EAST HAMPTON, Defendants

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PATRICIA WEISS, ESQ., an attorney admitted to practice in State of New York and in the Eastern District of New York, declares the following statements are true and correct under penalty of perjury, and pursuant to 28 U.S.C. § 1746:

1. I am Plaintiff's counsel in this action. I submit this declaration in connection with Plaintiff's opposition to Defendants' Rule 12 motion.
2. The following exhibits are relevant to Plaintiff's motion and and are complete and accurate copies of what they purport to be.

Exhibit 1 – Letters of Administration authorizing Donald Vanderveer to administer the estate of his mother Florence Vanderveer; Letters Testamentary for Estate & her last will

Exhibit 2 – The Judgment in the Article 78 dated July 22, 2019 & Notice of Appeal of it

Exhibit 3 – People v. Vanderveer – Appellate Term Second Dept. 11-18-19 order showing status [NB: The purportedly missing transcript was “settled” in November 2018 and reply papers may update the status if there’s another settlement for a duplicate copy]

Exhibit 4 - A page from the Article 78 Record which was submitted by Mr. Kreppein, showing EHZBA 000080, a “Narrative Addendum to Appeal” which explains scope of Vanderveer’s appeal to the EH ZBA

Exhibit 5 – Photographs of wheels of very old trailer on property

3. In the interest of judicial efficiency, I request that this Court take judicial notice of these documents, pursuant to Fed. R. Evid. 201 in connection with the legal arguments contained in Plaintiff’s papers in opposition to Defendants’ Rule 12(b) motion raising Rule 12 (b)(6) and also 12 (b)(1) as a basis for dismissal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 25, 2019

Respectfully submitted,

/s/

Patricia Weiss, Esq.

Attorney for Plaintiff Donald A. Vanderveer

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